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MAR 22 2006

OFFICE OF PETITIONS

In re Application of :
Mohamed I. Jabri :
Application No. 09/873,830 :
Filed: June 4, 2001 :
Title of Invention: :
METHOD AND SYSTEM FOR :
DEVELOPING AND EXECUTING :
SOFTWARE APPLICATIONS AT AN :
ABSTRACT DESIGN LEVEL :

This is a decision on the petition under 37 CFR 1.137(b), filed October 2, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application (under 37 CFR 1.137(a)), must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.137. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed December 14, 2004. The Notice set a statutory period for reply of three (3) months. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the above-identified application became abandoned March 15, 2005. A Notice of Abandonment was mailed on August 25, 2005.

Applicant filed a petition to revive under 37 CFR 1.137(b) on October 2, 2005, wherein Applicant asserted that a reply was enclosed. However, a review of the papers filed on October 2, 2005, revealed that no reply to the December 14, 2004 Office action had been included.

A further review of the petition papers revealed that the petition was unexecuted. Applicant had used PTO form PYTO/SB/64, but the second page of the form that contains a signature block was missing from the petition papers.

The petition was dismissed in a Decision mailed November 2, 2005. Applicant was advised that, before the petition may be addressed, the petition must be executed by a proper party in interest. Applicant was also advised that he had not submitted a reply to the December 14, 2004 Office action. Applicant was informed that he must submit a reply to the Office action as part of the requirement for granting a petition under 37 CFR 1.137(b).

The instant petition

Applicant files the instant petition and provides that 1) the last page of the October 2, 2005 petition apparently did not go through the fax correctly. Applicant also provides that they had not received the Office action until recently, and now file the fee for a three (3) month extension of time in order to prepare a proper reply to the Office action. No reply to the Office action has been included with the petition or extension of time fees.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). Applicant lacks item (1).

As to item (1), Applicant has not submitted a reply to the December 14, 2004 Office action. Applicant must submit a reply to the Office action as part of the requirement for granting a petition under 37 CFR 1.137(b).

Regarding the extension of time, Applicant is advised that the necessary extension of time should be filed with the reply to the Office action.

Applicant is further advised to contact the Office of Independent Inventors, at 703-306-5568, and the Patent Assistance Center, at 1-800-786-9199, for assistance in prosecuting his patent application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: 2201 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at 703-305-0014.


Derek L. Woods

Attorney
Office of Petitions